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ORDER SHEET
WPO No.1321 of 2023
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

SHASHI KANT TAPURIAH
-Versus-
THE KOLKATA MUNICIPAL CORPORATION & ORS.

BEFORE:
The Hon'ble JUSTICE AMRITA SINHA
Date:28th June, 2023.

Appearance:
Mr. Raghunath Chakraborty, Adv.
Md. Apzal Ansari, Adv.
Ms. Amrita De, Adv.
...for Petitioner.

Mr. Biswajit Mukherjee, Adv.
Ms. Tanushree Dasgupta, Adv.
...for KMC.

The Court:-The petitioner claims to be as an adult member of a Hindu Joint undivided Mitakshara family. The property of the petitioner is premises no. 1, Alipore Park Place, Kolkata- 700 027.

The petitioner is aggrieved by the proposed annual valuation assessed by the Kolkata Municipal Corporation in respect of the subject property.

Time and again objections were raised against the proposed annual valuation but according to the petitioner, the same was neither considered nor the copy of the order after consideration of the objection forwarded to the petitioner.

The proposed annual valuation which is disputed is from the first quarter of 2007-2008. A fresh hearing notice has been issued fixing on 21.06.2023 for hearing the objection relating to the second quarter of 2007-2008. The petitioner raised an objection to the same. The objection is yet to be considered.

According to the petitioner, as the order of the Hearing Officer of the earlier assessment has not been served upon the petitioner, accordingly, the petitioner is not in a position to give proper reasons for objecting to the proposed annual valuation for the second quarter of 2007-2008.

It has been submitted that there is no tenant in the subject premises and the Kolkata Municipal Corporation has erroneously recorded the name of one Daga as tenant.

Prayer has been made for directing the Kolkata Municipal Corporation to forward copy of all necessary documents pursuant to which the annual valuation has been proposed to be enhanced from the second quarter of 2007-2008.

Learned advocate representing the Kolkata Municipal Corporation submits that the petitioner filed repeated representations starting from the year 2015 but never was any prayer made for forwarding the order of the Hearing Officer.

It has been submitted that the proposed annual valuation is yet to be finalized. Opportunity of hearing has been given to the petitioner and it will be open for the petitioner to raise objection against such proposal for enhancement.

I have heard the submissions made on behalf of both the parties and have perused the documents available on record.

The objection filed by the petitioner against the proposed annual valuation with effect from 2nd quarter of 2007-2008 is admittedly pending consideration at the end of the Hearing Officer.

According to the petitioner, he requires certain documents for effective hearing. The Assessor-Collector (South), Kolkata Municipal Corporation is, accordingly, directed to forward all documents to the petitioner at the earliest but

positively within a period of four weeks from the date of communication of this order.

It will be open for the petitioner to submit further representation objecting to the proposed annual valuation within a period of two weeks from the date of receipt of the documents forwarded by the Assessor-Collector.

The Hearing Officer is directed to take steps to consider and dispose of the objection filed by the petitioner in accordance with law at the earliest, but positively within a period of twelve weeks from the date of communication of this order. A reasoned order shall be passed and communicated to the petitioner.

The writ petition stands disposed of.

Affidavit of service filed in Court today is taken on record.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all legal formalities.

(AMRITA SINHA, J)

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